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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,204	06/28/2004	Marco Winter	PD010078	5298

7590 05/17/2007
Joseph S Tripoli
Patent Operations-Thomas multimedia Licensing Inc
CN 5312
Princeton, NJ 08543-0028

EXAMINER
PANNALA, SATHYANARAYAN R

ART UNIT	PAPER NUMBER
2164	

MAIL DATE	DELIVERY MODE
05/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/500,204	WINTER ET AL.	
	Examiner	Art Unit	
	Sathyanarayan Pannala	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/22/2007 has been entered.

Response to Amendment

2. Applicant's Amendment filed on 3/22/2007 has been entered with amended claims 1-4 and 12-13 and cancelled claims 6-10, in response to the Office Action mailed on 12/22/2006. In this Office Action, claims 1-4 and 12-13 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guck (US Patent 5,864,870) hereinafter Guck and in view of Esquibel et al. (US Patent 6,662,186) hereinafter Esquibel.

5. As per independent claim 1, Guck teaches a method for storing on a server of files of various formats using an object database coupled to a network with clients (col. 3, lines 26-29). Guck teaches the claimed, receiving data (Fig. 5, col. 7, lines 10-13). Guck teaches the claimed, analyzing said received data to determine whether the format of said data can be detected (Fig. 3, col. 9, lines 48-49). Guck teaches the claimed, after detecting the format of the received data (Fig. 5, col. 7, lines 10-13). Guck teaches the claimed, said data types are metadata being defined as data with a link pointing to reference data and any data referring to said link (col. 4, lines 30-31), essence data being defined as data without an attached link pointing to reference data (col. 4, line 26) and a data container containing at least one of: metadata, essence data, and a different data container (col. 4, line 25).

Guck does not explicitly teach and interpretation by the device of specific data. However, Esquibel teaches the claimed, evaluating whether a device is able to interpret said data for reproducing a physical representation of said received data (Fig. 1, col. 4, lines 41-43). Esquibel teaches the claimed, supplying the result of said evaluations to the device for data type dependent processing of said received data (Fig. 1, col. 4,

lines 59-65). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Esquibel's teachings would have allowed Guck's method to ensure data saved in a particular file format and version is always available, even if the file format, version and the original program are no longer available (col. 1, lines 55-58).

Finally, Guck teaches the claimed, indicate that the received data is either physical data (property) or abstract data (concept) (col. 4, lines 17-19).

6. As per dependent claim 2, Guck and Esquibel combined teaches the claim 1, Esquibel teaches the claimed, the received data being interpretable by said device is also indicated whether the format type of said received data is one of a number of specified format types (Fig. 1, col. 4, lines 44-47). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Esquibel's teachings would have allowed Guck's method to ensure data saved in a particular file format and version is always available, even if the file format, version and the original program are no longer available (col. 1, lines 55-58).

7. As per dependent claim 3, Guck and Esquibel combined teaches the claim 1, Esquibel teaches the claimed, for data not interpretable by said device is indicated as being in a text format if said not interpretable data is detected as being text (Fig. 1, 4, col. 7, lines 55-58). Thus, it would have been obvious to one of ordinary skill in the data

processing art at the time of the invention, to have combined the teachings of the cited references because Esquibel's teachings would have allowed Guck's method to ensure data saved in a particular file format and version is always available, even if the file format, version and the original program are no longer available (col. 1, lines 55-58).

8. As per dependent claim 4, Guck teaches the claimed, device is a data sorting device, a database management system or a data content browser (Fig. 1, col. 4, lines 41-47).

9. As per dependent claim 12-13, Guck and Esquibel combined teaches the claim 1, Esquibel teaches the claimed, received data is determined to be said physical data type when said received data is capable of being of being interpreted by a device implementing said method (Fig. 1, col. 4, lines 59-65). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combine the teachings of the cited references because Esquibel's teachings would have allowed Guck's method to ensure data saved in a particular file format and version is always available, even if the file format, version and the original program are no longer available (col. 1, lines 55-58).

Response to Arguments

10. Applicant's arguments filed 3/22/2007 have been fully considered but they are not persuasive and details as follows:

a) Applicant's argument stated as "Guck however, does not mention or suggest that the received data may be 'metadata being defined as data with a link pointing to reference data and any data referring to said link' as in the present claimed invention."

In response to Applicant's argument, Examiner respectfully disagrees because the metadata is not a data type and applicant interpreting wrongly. As per Microsoft dictionary "metadata or meta data is defined as Data about data. It also teaches as for example, the title, subject, author, and size of a file constitute metadata about the file. They are also called as file attributes. Guck teaches real data types. Further, in response to applicant's argument, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

b) Applicant's argument stated as "Additionally, Esquibel, similar to Guck, does not disclose or suggest metadata, the distinction between metadata and essence or data container."

In response to Applicant argument, Examiner respectfully disagrees because the data types are disclosed by Guck whereas Esquibel only discloses a device to evaluate the received data (Fig. 1, col. 4, lines 59-65). Further, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

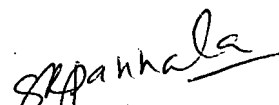
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2164

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sathyanarayan Pannala
Primary Examiner

srp
May 12, 2007